For the Northern District of California

		II	N THE	E UNITED	STATES	DISTR	ICT CO	JRT	
		FOR	THE	NORTHERN	DISTR	ICT OF	CALIF	ORNIA	Y
DAVID	LEE	WHITE,			1	No C-1	2-1275	тен	(PR)
		Pla							

ORDER OF TRANSFER

STATE OF CALIFORNIA,

v.

Defendant.

Plaintiff, a state prisoner currently incarcerated at California Medical Facility - Vacaville ("CTF-Vacaville"), has filed a pro se civil rights Complaint under 42 U.S.C. § 1983 alleging that the asbestos level at CTF-Vacaville is in violation of the Clean Air Act ("CAA"), 42 U.S.C. § 7401 et seq. Doc. #1 at 1. He also alleges that the asbestos levels at three other California prisons -Deuel Vocational Institution (located in Tracy, California), Correctional Training Facility - Soledad ("CTF-Soledad"), and California Men's Colony (located in San Luis Obispo, California) are in violation of the Clean Air Act. Doc. #4 at 1.

There is no indication that Plaintiff has been housed at

Deuel Vocational Institution, CTF-Soledad or California's Men 1 Colony. Accordingly, Plaintiff does not have standing to challenge 3 the conditions at those institutions. See Powers v. Ohio, 499 U.S. 400, 410 (1991); Estate of McKinney, 71 F.3d at 779, 782 n.4 (9th 4 5 Cir. 1995). With respect to Plaintiff's allegations regarding conditions at CTF-Vacaville, CTF-Vacaville is located in Solano 6 7 County, which lies within the venue of the Eastern District of California. See 28 U.S.C. § 84(b). Venue therefore properly lies 8 9 in the Eastern District. See id. § 1391(b). 10 Accordingly, in the interest of justice and pursuant to 28 11 U.S.C. § 1406(a) IT IS ORDERED that this action be TRANSFERRED to 12 the United States District Court for the Eastern District of 13 California. 14

The Clerk shall transfer this matter terminate all pending motions as moot and close the file.

THELTON E. HENDERSON

United States District Judge

IT IS SO ORDERED.

17

15

16

18 DATED

06/06/2012

1920

21

22

G:\PRO-SE\TEH\CR.12\White-12-1275-transfer to caed.wpd

23

24

25

2627

28